

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Signature  
and Deposit: September 6, 2006

  
George E. Haas Reg. No. 27,642

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Hiroshi Kobata, *et al.*

U.S. Appln No.: 10/550,574

Based On: PCT JP2004/004278

International Filing Date: March 26, 2004

For: Control Apparatus for Hydraulic Cylinder

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**PETITION AND AMENDMENT  
TO CORRECT ORIGINALLY NAMED INVENTORS**

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Mail Stop Petitions  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a petition and an amendment under 37 C.F.R. §1.48(a) to correct improper naming of inventors on the above-identified patent application.

Please add the following previously unnamed person as an inventor:

Rollin C. Christianson  
W311 S108 Wildwood Trail  
Delafield, WI 53108

The present U.S. patent application is a national phase of International Application PCT JP2004/004278. The declaration filed with the U.S. national phase

application contains Mr. Christianson's name and was signed by all the other inventors in accordance with 37 C.F.R. §1.63. A copy of that declaration is enclosed. Also enclosed are papers signed by the two assignees, HUSCO International, Inc. and Kayaba Industry Co., Ltd., consenting to adding Mr. Christianson as an inventor. After the consents were signed, the undersigned attorney was notified that the assignment was recorded at Reel 017834, Frame 0102.

Pursuant to 37 C.F.R. §1.48(a), Mr. Christianson also is required to sign a statement that his omission as an inventor was without deceptive intent. However, he refuses to sign any documents related to this application.

Therefore, applicants Hiroshi Kobata and Christopher J. Kolbe and the assignees request that the above identified patent application be amended by adding Rollin C. Christianson as an inventor, even though Mr. Christianson refuses to sign the requisite documents. Enclosed herewith is a Petition to Accept a Patent Application Made by Other Inventors on Behalf of Non-Signing Inventor.

#### **Statement of Facts**

The subject invention was made while Mr. Christianson was employed, along with co-inventor Christopher J. Kolbe, by HUSCO International, Inc. (HUSCO). The invention was made with co-inventor Hiroshi Kobata, who is employed in Japan by Kayaba Industry Co., Ltd. (Kayaba). After making the invention, Mr. Christianson left HUSCO and went to work for a competitor company.

The subject International Application PCT JP2004/004278 was filed in Japan by Kayaba. When it came time to file the U.S. national phase patent application, it was discovered that Rollin C. Christianson inadvertently was not named on the PCT application. In an attempt to rectify this error, he was listed on the declaration for the U.S. national phase application. However by that time, Mr. Christianson was no longer employed by HUSCO and did not reply to correspondence and a telephone requests that he sign the declaration. As noted above, the other inventors signed that declaration which listed Mr. Christianson as a co-inventor.

A petition was filed with the U.S. national phase application asking that the application be accepted without Mr. Christianson's signature and that petition was denied on July 11, 2006 because he was not listed on the published PCT application.

In response to the denial of that petition, a copy of the subject patent application with its declaration and a document stating that he was erroneously omitted as an inventor were sent to Mr. Christianson on August 9, 2006. Those documents were sent by first class mail to his last known home address. To date, the signed documents have not been received nor have the papers been returned by the U.S. Postal Service as undeliverable.

Therefore, the assignees and the other applicants have acted in a timely manner to name Mr. Christianson as an inventor and have not acted with any deceptive intent.

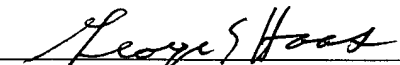
The other applicants and the assignees request that the above identified patent application be amended by adding Rollin C. Christianson as an inventor.

**Fee Payment**

The \$130.00 petition processing fee and any other amounts due in this patent application should be charged to Deposit Account 17-0055. Any overpayment in the patent application should be credited to that Deposit Account.

Respectfully submitted  
Hiroshi Kobata, *et al.*

Dated: September 6, 2006

By:   
George E. Haas  
Registration No. 27,642

Quarles & Brady  
411 E. Wisconsin Avenue  
Milwaukee, WI 53202-4497  
(414) 277-5751

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# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐Declaration  
Submitted  
With Initial  
Filing

OR

☐Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)Attorney Docket  
Number

First Named Inventor

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONTROL APPARATUS FOR HYDRAULIC CYLINDER

(Title of the Invention)

the specification of which

☒

is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

March 26, 2004

as United States Application Number or PCT International

Application Number

PCT/JP04/004278

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
2003-84929	Japan	March 26, 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

[footer box]

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> The address associated with Customer Number: <span style="border: 1px solid black; padding: 2px 20px;">28382</span>		OR <input type="checkbox"/> Correspondence address below	
Name			
Address			
City		State	ZIP
Country	Telephone	Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Hiroshi		Family Name or Surname KOBATA	
Inventor's Signature <i>Hiroshi Kobata</i>			Date 05/01/13
Residence: City Sagamihara-shi	State Kanagawa	Country Japan	Citizenship Japan
Mailing Address c/o KAYABA INDUSTRY CO., LTD. World Trade Center Bldg. 4-1, Hamamatsu-cho 2-chome			
City Minato-ku	State Tokyo	Zip 105-6190	Country Japan
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Rollin C.		Family Name or Surname CHRISTIANSON	
Inventor's Signature			Date
Residence: City Waukesha County	State Wisconsin	Country U.S.A.	Citizenship U.S.A.
Mailing Address W311 S108 Delafield			
City Waukesha County	State Wisconsin	Zip 53018	Country U.S.A.
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

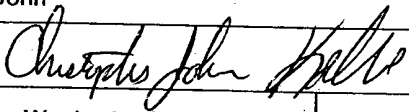
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet  
Page \_\_\_\_ of \_\_\_\_

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Christopher John		KOLBE	
Inventor's Signature 		Date 3/9/05	
Residence: City Waukesha County	State Wisconsin	Country U.S.A.	Citizenship U.S.A.
Mailing Address S. 72W South Lane Muskego			
Mailing Address			
City Waukesha County	State Wisconsin	ZIP 53150	Country U.S.A.
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Hiroshi Kobata, *et al.*

Serial No.: 10/550,574

International Filing Date: March 26, 2004

Title: Control Apparatus for Hydraulic Cylinder

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**CONSENT OF ASSIGNEE TO CORRECTION  
AND ADDITION TO ORIGINALLY NAMED INVENTORS**

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Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

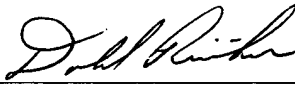
Sir:

Husco International, Inc. having a place of business at W239 N218 Pewaukee Road, Waukesha, WI 53187-0257 is the assignee of an undivided right, title and interest in above-identified U.S. patent application. A copy of the assignment from Christopher Kolbe, an originally named inventor, is enclosed herewith. The original assignment was submitted to the U.S. Patent and Trademark Office with the patent application, however the assignee has yet to be informed of its recordation.

Husco International, Inc. hereby consents to the change of inventorship being requested herewith in which Rollin C. Christianson is to be added as a inventor.

Respectfully submitted  
Husco International, Inc.

Dated: August 16, 2006

By:   
Name: Donald Reinicker  
Title: Vice-President



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Hiroshi Kobata, *et al.*

Serial No.: 10/550,574

International Filing Date: March 26, 2004

Title: Control Apparatus for Hydraulic Cylinder

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**CONSENT OF ASSIGNEE TO CORRECTION  
AND ADDITION TO ORIGINALLY NAMED INVENTORS**

---

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Kayaba Industry Co., Ltd. having a place of business at World Trade Center Building, 4-1, Hamamatsu-cho 2-chome, Minato-ku, Tokyo, Japan 105-6111 is the assignee of an undivided right, title and interest in above-identified U.S. patent application. A copy of the assignment from Hiroshi Kobata, an originally named inventor, is enclosed herewith. The original assignment was submitted to the U.S. Patent and Trademark Office with the patent application, however the assignee has yet to be informed of its recordation.

Kayaba Industry Co., Ltd. hereby consents to the change of inventorship being requested herewith in which Rollin C. Christianson is to be added as a inventor.

Respectfully submitted  
Kayaba Industry Co., Ltd.

Dated: August 22, 2006

By: Haruki Ubukata

Name: HARUKI UBUKATA

Title: General Manager  
Intellectual Property Dept.

## ASSIGNMENT

WHEREAS, WE, KOBATA, Hiroshi of Tokyo, Japan ; CHRISTIANSON Rollin C. of Wisconsin, U.S.A. ; and KOLBE, Christopher John of Wisconsin, U.S.A. have made certain inventions which are described in an application for Letters Patent of the United States entitled CONTROL APPARATUS FOR HYDRAULIC CYLINDER executed by us on even dates herewith preparatory to obtaining United States Letters Patent therefor, and

WHEREAS, KAYABA INDUSTRY CO., LTD. and

HUSCO International (hereinafter referred to as said Company) having a place of business at \_\_\_ is desirous of acquiring the entire interest in said inventions throughout the United States of America and the territories thereof, for all other countries and under all international agreements,

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, receipt whereof is hereby acknowledged, we hereby sell, assign and transfer unto said Company, its successors and assigns, the entire right, title and interest throughout the United States of America and the territories thereof, for all foreign countries and under all international agreements in and to said inventions, the aforesaid application, all other applications filed in the United States, in any other country, or under any international agreement based in whole or in part on said inventions, and all Letters Patents granted upon said applications by the United States, by any other country or under any international agreement, and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said Company. We further grant to said Company, its successors and assigns, the right to claim for any of said applications the full benefits and priority rights of any international agreement between the United States and any foreign country or countries or between any other countries, and of any law of the United States.

We hereby warrant that we have the full right to make the conveyance herein, and we hereby covenant that we, our heirs, legal representatives and assigns, will when requested, communicate to said Company, its representatives, successors and assigns, all facts known respecting said inventions, execute all divisional, continuing, reissue, reexamination and foreign or international applications, together with individual assignments therefor, make all rightful oaths, sign all lawful papers, testify in any legal proceeding and generally do everything possible to aid said Company, its successors and assigns, in the obtaining of Letters Patent.

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals at the location and on the date indicated with our signatures.

Hiroshi Kobata (SEAL)

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (SEAL)

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

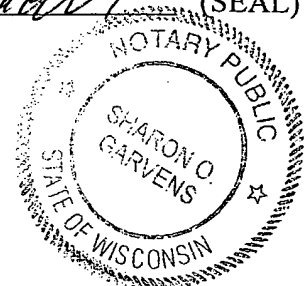
\_\_\_\_\_ (SEAL)

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

Christy H. Kelly (SEAL)



Witnesses:

Sharon O. Garvens

Notary

\_\_\_\_\_ (SEAL)

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (SEAL)

Witnesses:

\_\_\_\_\_

\_\_\_\_\_



411 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4497  
Tel 414.277.5000  
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*Attorneys at Law in:*  
*Phoenix and Tucson, Arizona*  
*Naples, Florida*  
*Chicago, Illinois*  
*Milwaukee and Madison, Wisconsin*

Writer's Direct Dial: 414.277.5751  
E-Mail: geh@quarles.com

August 9, 2006

Mr. Rollin C. Christianson  
W311 S108 Wildwood Trail  
Delafield, WI 53108

Re: HUSCO Patent Application  
Control Apparatus for Hydraulic Cylinder

Dear Rollin:

While you were employed by HUSCO International, Inc., you, Chris Kolbe and Hiroshi Kobata of Kayaba made an invention related to a system for controlling a hydraulic cylinder. HUSCO and Kayaba have filed a patent application in the United States on that invention.

Although prior to filing, the application was sent to you along with documents to sign. We never received the signed papers from you. Therefore, we now would like to add you as an inventor to this application so that you will receive proper recognition for the work. For that purpose, I am enclosing a document stating that you were erroneously omitted as an inventor. Also enclosed is a copy of the application with the standard declaration form for you to sign. In addition, please sign the assignment transferring your rights in the invention to HUSCO and Kayaba, as required by your employment agreement with HUSCO.

I should appreciate receiving the signed documents at your earliest convenience. If you have any questions please contact me

Very truly yours,

QUARLES & BRADY LLP

  
George E. Haas

GEH/kdc  
Enclosures

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Hiroshi Kobata, *et al.*

Serial No.: 10/550,574

International Filing Date: March 26, 2004

Title: Control Apparatus for Hydraulic Cylinder

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**STATEMENT OF PERSON SOUGHT  
TO BE ADDED AS AN INVENTOR**

---

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Rollin C. Christianson, state that I was erroneously omitted from being named as an inventor on the above-identified patent application and that such error occurred without any deceptive intention on my or anyone else's part.

Respectfully submitted,

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Rollin C. Christianson